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LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER KHOSHNOODI, FARIBORZ	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,935	Applicant(s) CHOI ET AL.	
	Examiner Fariborz Khoshnoodi	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to amendment

1. Applicant's arguments/ amendments with respect to amended claims 1-17 and 19-31 (cancelled claim 18) filed June 20, 2007 have been fully considered and therefore the claims are rejected under new grounds. The Examiner would like to point out that this action is made final (See MPEP 706.07a).
2. Amendments made with regard to the 35 USC 101 claims rejections and drawings have been considered. Therefore, previous 35 USC 101 claims rejections and drawing objection have been withdrawn. Also specification amendment has been accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A per son shall be entitled to patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-15, 17-19, 21-23, and 26-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Singh et al. United States Patent Publication No. 2002/0166849 A1.

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As per claim 9:

Singh et al. teach a method comprising: **maintaining a plurality of search listings including URLs associated with network information providers (i.e., "In a preferred embodiment of the present invention, the search engine web server 24 generates a search result list that includes, at least in part, relevant entries obtained from and formatted by the results of the bidding process conducted by the account management server 22. The search engine web server 24 generates a list of hypertext links to documents that contain information relevant to search terms entered by the user at the client computer 12. The search engine web server transmits this list, in the form of a web page, to the network user, where it is displayed on the browser 16 running on the client computer 12."** (Par. 196 lines 8-19)); **determining the lowest limit bidding price for each keyword, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword (i.e., "The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank**

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value, proceeding to the lowest bid amount, which receives the lowest rank value." (Par. 234)); **receiving keywords associated with the search listings and bidding prices associated with the keywords from the network information providers, the bidding prices being higher than or equal to the lowest limit bidding price** (*i.e.*, "Since advertisers must pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings." (Par. 15 lines 15-19)... "The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank value, proceeding to the lowest bid amount, which receives the lowest rank value." (Par 234)); **selecting a successful bidder among a plurality of network information providers associated with the keywords according to a predetermined criterion associated with the bidding prices after a tender period of time expires** (*i.e.*, "A cost condition monitors the total CPC expenditures for one or more listings of the advertiser in a given time interval. At the start of every time interval the accumulated costs are zero. The starting point of each time interval is at the discretion of

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the marketplace operator. For example, all hourly intervals could start at the start of every half hour. Each cost condition has the following parameters: 1. listings: one or more listings whose CPC expenditure is being monitored. 2. limit: the expenditure limit for the accumulated CPCs for all the listings, e.g., \$300.00. 3. interval: the time period for the limit, e.g., one week. The following are all examples of cost conditions: 1. "The CPC charges for listing L.sub.1 exceed \$300.00 in any hour" listings: L.sub.1, limit: \$300.00, interval: 1 hour" (Par. 64 through Par. 69)); **and generating a search result list including at least a portion of the plurality of search listings in response to the search request, wherein at least one portion of the plurality of search listings is arranged in a predetermined search listing placement position (i.e., "In this on-line marketplace, companies selling products, services, or information bid in an open auction environment for positions on a search result list generated by an Internet search engine. Since advertisers must pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings."**(Par. 15 lines 12-19)).

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As per claim 10:

Singh et al. teach a method, **wherein the search listing placement position is determined before the bidding prices are received from the network information providers** (*i.e.*, "The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing." (Par. 15 lines 23-26)).

As per claim 11:

Singh et al. teach a method, **further comprising the step of receiving information on a predetermined display period of time from the network information providers, wherein when the network information providers are selected as a successful bidder, search listings associated with the network information providers are arranged in the predetermined search listing placement position during the predetermined display period of time, and a position of the arranged search listings is not changed** (*i.e.*, "The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing." (Par. 15 lines 23-26)).

As per claim 12:

Singh et al. teach a method, wherein the step of selecting the successful bidder includes selecting a plurality of the network information providers as successful bidders, wherein said at least one portion of the search listings is arranged according to rankings determined by the bidding prices of the successful bidders within a placement zone specified by the search listing display methods (i.e., "The "View Search Term List" selection displays the list of the advertiser's selected search terms along with the corresponding URLs, bid price, and rank, with the search terms preferably grouped by subaccount. The advertiser may also view current top bids for a set of search terms selected from a list of search terms from a read-only display generated by the system upon receiving the requested search terms from the advertiser." (Par. 248 lines 3-12)).

As per claim 13:

Singh et al. teach a method, further comprising the steps of: offering instant purchase prices to network information providers (i.e. "An automated voice synthesis system can be used to alert the advertiser to the conditions that are/were true. The phone means can offer corrective actions in a menu with touch-tone inputs, e.g., "press 1 to increase your bid to one dollar and thirty two cents to regain

position 1, press 2 to..." (Par. 157 lines 2-8)); and instantly selecting the network information providers as successful bidders if the instant purchase prices are received as the bidding prices from network information providers (i.e., "After the system calculates the new bid price and presents a read-only confirmation display to the advertiser, the system updates the bid prices and rank values upon receiving approval from the advertiser." (Par. 240 lines 18-21)).

As per claim 14:

Singh et al. teach a method, wherein the instant purchase prices are determined in consideration of past successful bid prices of the keywords (i.e., "The "View Search Term List" selection displays the list of the advertiser's selected search terms along with the corresponding URLs, bid price, and rank, with the search terms preferably grouped by subaccount." (Par. 248 lines 5-9)).

As per claim 15:

Singh et al. teach a method, wherein the step of selecting the successful bidder further includes the step of regarding a successful bid as an unsuccessful bid in at least one of the followings: a case where a purchase rejection intention is received from the successful bidder, a case where the successful bidder does not purchase a successful bidden keyword within a predetermined period of time, and a case where a purchase rejection intention is

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once again received after the predetermined period of time expires (i.e., "A cost condition monitors the total CPC expenditures for one or more listings of the advertiser in a given time interval. At the start of every time interval the accumulated costs are zero. The starting point of each time interval is at the discretion of the marketplace operator. For example, all hourly intervals could start at the start of every half hour. Each cost condition has the following parameters: 1. listings: one or more listings whose CPC expenditure is being monitored. 2. limit: the expenditure limit for the accumulated CPCs for all the listings, e.g., \$300.00. 3. interval: the time period for the limit, e.g., one week. The following are all examples of cost conditions: 1. "The CPC charges for listing L.sub.1 exceed \$300.00 in any hour" listings: L.sub.1, limit: \$300.00, interval: 1 hour" (Par. 64 through Par. 69)).

As per claim 17:

Singh et al. teach a method, wherein if a plurality of same bidding prices are received, the successful bidder is selected in consideration of at least one of a tender sequence, a display period of time, an actual advertisement use result, a credit of network information providers (i.e., "If the payment type is credit card, the user's account is credited immediately at step 616, the user's credit

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card having already been validated in step 610. A screen showing the status of the add money transaction is displayed, showing a transaction number and a new current balance, reflecting the amount added by the just completed credit card transaction."(Par. 225)).

As per claim 19:

Singh et al. teach a method, further comprising the step of opening the highest bidding price or a bidding price list *(i.e., "The higher bids receive more advantageous placement on the search result list page generated by the search engine 24 when a search using the search term bid on by the advertiser is executed."*(Par. 199 lines 1-4)).

As per claim 21:

Singh et al. teach a method, further comprising the step of offering keywords similar to keywords received from the network information providers to the network information providers *(i.e., "Search services are, after e-mail, the most frequently used tool on the Internet. As a result, web sites providing search services have offered advertisers significant reach into the Internet audience and have given advertisers the opportunity to target consumer interests based on keyword or topical search requests."*(Par. 9)).

As per claim 22:

Singh et al. teach a method, wherein the step of receiving the bidding prices includes the step of limiting the number of receipt of bidding prices from same network information providers to the predetermined number of times or demanding an additional price if bidding prices are received above the predetermined number of times (i.e., "After the system calculates the new bid price and presents a read-only confirmation display to the advertiser, the system updates the bid prices and rank values upon receiving approval from the advertiser." (Par. 240 lines 18-21)).

As per claim 23:

Singh et al. teach a method, further comprising the step of offering a result for the search request associated with the keywords to the successful bidder, wherein the result for the search request includes at least one of the number of exposures, the number of clicks and a click rate (i.e., "In this selection, the advertiser specifies a search listing or subaccount for which the advertiser would like to predict a "daily run rate" and "days remaining to expiration." The system calculates the projections based on a cost projection algorithm, and displays the predictions to the advertiser on a read-only screen. The predictions may be calculated using a number of different algorithms known in the

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art. However, since the cost of a search listing is calculated by multiplying the bid amount by the total number of clicks received by the search listing at that bid amount during a specified time period, every cost projection algorithm must generally determine an estimated number of clicks per month (or other specified time period) for a search listing." (Par 246 lines 3-16)).

As per claim 26:

Singh et al. teach a method comprising: **determining the lowest limit bidding price for each keyword, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword** (*i.e.*, "The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank value, proceeding to the lowest bid amount, which receives the lowest rank value." (Par. 234)); **receiving web page titles, web page descriptions, image files, keywords and bidding prices associated with web pages of the network information providers from network information providers, the bidding prices**

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being higher than or equal to the lowest limit bidding price; (i.e., "A consumer utilizing a search engine that facilitates this on-line marketplace will find companies or businesses that offer the products, services, or information that the consumer is seeking. In this on-line marketplace, companies selling products, services, or information bid in an open auction environment for positions on a search result list generated by an Internet search engine." (Par. 15 lines 9-15)... "The pages may be constructed in any one of a variety of formatting conventions, such as Hyper Text Markup Language (HTML), and may include multimedia information content such as graphics, audio, and moving pictures. Any person with a computer and a connection to the Internet may access any publicly accessible page posted on the web." (Par. 6 lines 1-7)... "The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank value, proceeding to the lowest bid amount, which receives the lowest rank value." (Par. 234)); **generating search listings in real time substantially by combining the web page titles, the web page descriptions and the image files, and offering the generated search listings to the network information providers** (i.e., "Since advertisers must

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pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings." (Par. 15 lines 15-19)... "The pages may be constructed in any one of a variety of formatting conventions, such as Hyper Text Markup Language (HTML), and may include multimedia information content such as graphics, audio, and moving pictures. Any person with a computer and a connection to the Internet may access any publicly accessible page posted on the web." (Par. 6 lines 1-7)); **receiving confirmation inputs of the network information providers for the generated search listings** (i.e., "The higher an advertiser's position on a search result list, the higher likelihood of a "referral"; that is, the higher the likelihood that a consumer will be referred to the advertiser's web site through the search result list. The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing." (Par. 15 lines 20-23)); **selecting a successful bidder among a plurality of network information providers associated with the keywords according to a predetermined criterion associated with the bidding prices** (i.e., "The openness of this advertising marketplace is further facilitated by

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publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing." (Par. 15 lines 23-26)); **associating the keywords with the search listings** (i.e., "In response to a received query from a searcher, search listings are located, arranged according to bid and displayed to the searcher. If a searcher selects or clicks through an advertiser's search listing, the bid amount is charged to the advertiser by the pay for performance web site operator." (Par. 17 lines 5-10)); **receiving a search request from the searcher** (i.e., "Advertisers can control the position of their search listing in the search result list by adjusting the bid amount associated with the search listing." (Par. 17 lines 10-12)); **identifying search listings associated with a keyword corresponding to the search request** (i.e., "The search engines and web site directories of the prior art, however, rely upon processes for assigning results to keywords that often generate irrelevant search results." (Par. 10 lines 5-7)); **and offering the identified search listings to the searcher by arranging the identified search listings in a predetermined position of a search result web page** (i.e., "In a preferred embodiment of the present invention, the search engine web server 24 generates a search result list that includes, at least in part, relevant entries obtained from and formatted by the results of the bidding process conducted by the

account management server 22. The search engine web server 24 generates a list of hypertext links to documents that contain information relevant to search terms entered by the user at the client computer 12. The search engine web server transmits this list, in the form of a web page, to the network user, where it is displayed on the browser 16 running on the client computer 12."(Par. 196 lines 8-19)).

As per claim 27:

Singh et al. teach a method, further comprising the steps of: **receiving a correction request for one or more of web page titles, web page descriptions and image files from the network information providers** (*i.e.*, "It is also important for advertisers to keep track of the click through rate (CTR) of listings. For example, a new title or description for a listing may result in a lower CTR if it is less clear than what was there before. Keeping track of the CTR ensures that corrective action can be taken promptly."(Par. 22)); **and correcting the search listings in real time substantially in response to the correction request and offering the corrected search listings to the network information providers** (*i.e.*, "The links can be embedded URLs in an e-mail message, that in one click correct an undesirable condition. For example, a link may be titled "Click here to increase the CPC of the following listing to \$1.43 to

restore it to rank 3." The URL of the link points to market operator's system, and includes information about the advertiser and the condition(s) to be corrected. If the advertiser clicks on the link, his identity is verified, and the system performs all the corrective actions automatically without requiring the advertiser to interact with the online marketplace system directly." (Par. 160 lines 5-16)).

5. Claims 28-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Goino et al. United States Patent Publication No. 2001/0056396 A1.

As per claim 28:

Goino teaches a method comprising: **determining the lowest limit bidding price for each keyword, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword** (*i.e.*, "These auction methods are such that an auction participant that offers the best price condition, *i.e.*, a participant (buyer) that offers the highest price to a seller in a normal auction and a participant (seller) that offers the lowest price for a buyer in a counter-auction, is a successful bidder. Generally, a successful bidder should complete the transaction, *i.e.*, by delivery of the article or the payment of the price, by a due

date previously stipulated by rules." (Par. 2)); **receiving keywords and bidding prices from network information providers, the bidding prices being higher than or equal to the lowest limit bidding price** (*i.e.*, "a bid procedure in which said server receives bid information including said element or said converted information offered by bidders from terminals of the bidders through communications via the network;" (Par. 18)... "(*i.e.*, "a participant (buyer) that offers the highest price to a seller in a normal auction and a participant (seller) that offers the lowest price for a buyer in a counter-auction, is a successful bidder. Generally, a successful bidder should complete the transaction, *i.e.*, by delivery of the article or the payment of the price, by a due date previously stipulated by" (Par. 2)); **selecting a successful bidder among a plurality of network information providers associated with the keywords according to a predetermined criterion associated with the bidding prices** (*i.e.*, "a bid acceptance procedure in which said server executes bid processing for finding a result of bidding with said element included in said bid information or an element derived by converting said converted information, based on said bid information, to select a successful bidder." (Par. 19)); **receiving a web page title, a web page description and an image file associated with a web page of the successful bidder from the successful bidder** (*i.e.*, "an attribute of an object used in utilization of a person who

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receives the offered service. The attribute can help differentiate from other articles and services. The attribute includes, for example, design, contents of service, specification, model number, performance, effect, quality, material, strength, reliability, taste, smell, fragrance, color, brightness, illuminance, sound volume, sound quality, temperature, pressure, size, component, log, career, title, capability, speed, length, weight, volume, bulk, area, nature, point, shape, pattern, coloring, type, system, product name, article name, and so on. " (Par. 711 lines 5-16)); **generating search listings in real time substantially by combining the web page title, the web page description and the image file, and offering the generated search listings to the successful bidder** (i.e., "Then, the time bid computing unit 43 uses these data to compare trading dates presented in respective data with one another to create a priority list which enumerates bidders in a priority order for each of the periods." (Par. 144 lines 11-14)); **receiving a confirmation input of the successful bidder for the generated search listings** (i.e., "Then, the bidder who has offered the trading date that most satisfies a time condition is selected as a successful bidder candidate. However, if the time condition consists only of the period specified by the client, the priority list is created by arranging bidders in order from the one which was

accepted first." (Par. 144 lines 14-20)); **associating the keywords with the search listings** (i.e., "The article list screen U displays a photograph U1 and an article code number of each article, as well as article related information such as article name, desired price, quantity, and so on." (Par. 134 lines 1-4)); **receiving a search request from the searcher** (i.e., "It should be noted that the procedure in S310, wherein the bid screen is displayed on terminals 30 of bidders, and the server 21 receives the bid data D5 upon acceptance of applied bids, corresponds to a bid acceptance procedure." (Par. 144 lines 21-25)); **identifying search listings associated with a keyword corresponding to the search request** (i.e., "the successful bidder candidates on the priority list created by the time bid computing unit 43 are narrowed down to the limited number of bidders from the top of the list which are determined as successful bidders." (Par. 148 lines 1-5)); **and offering the identified search listings to the searcher by arranging the identified search listings in a predetermined position of a search result web page** (i.e., "The time auction HP illustrated in FIG. 3 classifies potential articles traded thereon into marketable securities, real estate, condominium for sale, ticket, new product, antique and art objects, and so on. As a person clicks on a button 51 or 52 associated with an article which he wants to sell at auction, the article list

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screen U illustrated in FIG. 9 is displayed on the terminal 30. The button 51 is provided for auction, while the button 52 is provided for Counter-auction." (Par. 133)).

As per claim 29:

Goino teaches a method further comprising the steps of: **receiving a correction request for one or more of a web page title, a web page description and an image file from the successful bidder** (i.e., "A client (for example, a seller) confirms a bidding situation on the screen of his terminal 30A and transmits a bid acceptance indication to the server 21 when a successful bidder candidate offers a desired trading date, even before the expiration of a bidding period. Conversely, when there is no bidders even if the client confirms a bidding situation on the screen, or when no bidder has offered desired conditions for a long time, the bid conditions (due date (period), price, and so on) may be changed even before the expiration of the bidding period." (Par. 138)); **and correcting the search listings in real time substantially in response to the correction request and offering the corrected search listings to the successful bidder** (i.e., "(i.e., "In S230, when the server 21 receives a bid acceptance indication from the client, the flow continues to S270. In S240, if the server 21 receives an instruction to change the bid conditions from the

terminal 30A of the client, the bid condition data stored in the bid condition storage unit 45 is changed." (Par. 139 lines 1-6)).

As per claim 30:

Goino teaches a method comprising: **a tender conditions receiving unit for receiving tender conditions including keywords and search listing display methods, and bidding prices higher than or equal to the lowest limit bidding price from network information providers, the lowest limit bidding price being determined for each keyword and determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword;** *(i.e., "As a result of an auction, information on a single successful bidder is basically transmitted to the client. However, if the client wishes, a plurality of narrowed down candidates may be presented, as illustrated in a list screen XD of FIG. 64. Specifically, the server 21 creates information offered by bidders, as it is, into a list, or creates a priority list by narrowing down successful bidder candidates of higher priority levels, for example, into a limited number specified by the client, based on information offered by bidders, and transmits the created list to the terminal 30 of the client." (Par. 573 lines 1-11))... "(i.e., "These auction methods are such that an auction participant that offers the best price*

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condition, i.e., a participant (buyer) that offers the highest price to a seller in a normal auction and a participant (seller) that offers the lowest price for a buyer in a counter-auction, is a successful bidder. Generally, a successful bidder should complete the transaction, i.e., by delivery of the article or the payment of the price, by a due date previously stipulated by rules." (Par. 2)); **a successful bid making unit for making a successful bid for the keywords based on the tender conditions and the bidding prices** (i.e., "The list XD1 indicates a priority number, a code number, and an element numerical value (values representative of time, position, space, weight, evaluation and so on), and conditions offered by a bidder (price, supplementary items (extra) and so on). The client reviews the offered conditions such as a trading date from the list XD1 on the screen XD to determine a bidder favorable for him as a successful bidder, enters, for example, the priority number of the winning bidder in the entry field XD2, and selects the decision button 192." (Par. 573 lines 14-23)); **a storing unit including a plurality of search listings** (i.e., "The server 21 stores on its hard disk screen data for the variety of screens HP, P, Q, R, S, T, a program for use in displaying the screens and so on (for example, an HTML description program), a program for use in computing processing involved in the auction, and so

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on." (Par. 105 lines 6-11)); **a search performing unit for: associating the plurality of the search listings with the successfully bidden keywords and search listing display methods** (i.e., "As a person clicks on a button 51 or 52 associated with an article which he wants to sell at auction, the article list screen U illustrated in FIG. 9 is displayed on the terminal 30." (Par. 133 lines 4-7)); **identifying search listings having the keywords corresponding to the search request in response to a search request received from a searcher** (i.e., "Requirements can be entered in a plurality of different ways, so that the screen E is provided with a sentence entry field E4 for entering a sentence which describes requirements; key word registration buttons 161, 162, 163 for identifying requirements with key words; and an evaluation registration list button 164 for identifying requirements by specifying a numerical value or the like for each evaluated item (specifications or the like)." (Par. 463 lines 1-8)); **and arranging at least one portion of the search listings according to the search listing display methods** (i.e., "As a person clicks on a button 51 or 52 associated with an article which he wants to sell at auction, the article list screen U illustrated in FIG. 9 is displayed on the terminal 30." (Par. 133 lines 4-7)); **and a search request receiving unit for receiving a search request from a searcher via a communication network** (i.e., "a bid procedure in which said server receives bid information including said

element or said converted information offered by bidders from terminals of the bidders through communications via the network;" (Par 18)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 and 31 are rejected under 35 U.S.C. § 103(a) as being anticipated by Tadashi Goino United States Patent Publication No. 2001/0056396 A1 in view of Singh et al. United States Patent Publication No. 2002/0165849 A1.

As per claim 1:

Goino teaches a method comprising: **determining the lowest limit bidding price for each keyword, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword** (*i.e.*, "These auction methods are such that an auction participant that offers the best price condition, *i.e.*, a participant (buyer) that offers

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the highest price to a seller in a normal auction and a participant (seller) that offers the lowest price for a buyer in a counter-auction, is a successful bidder. Generally, a successful bidder should complete the transaction, i.e., by delivery of the article or the payment of the price, by a due date previously stipulated by rules." (Par. 2)); **receiving bidding prices**

higher than or equal to the lowest limit bidding price (i.e., "a participant (buyer) that offers the highest price to a seller in a normal auction and a participant (seller) that offers the lowest price for a buyer in a counter-auction, is a successful bidder.

Generally, a successful bidder should complete the transaction, i.e., by delivery of the article or the payment of the price, by a due date previously stipulated by" (Par. 2)) **and tender conditions**

including keywords and predetermined search listing display methods from network information providers, and making a successful bid for the keywords based on the tender conditions and the bidding prices, to sell the keywords associated with the predetermined search listing display methods through a tender (i.e., "Also, the bid

condition data D3, D4 received in this event are stored in the time bid data storage unit 45A if they are related to the time slide scheme and the price slide setting type, and in the narrow-down data storage unit 45B, if they are narrow-down condition data for use in narrowing down bidders. The procedure

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from S20 to S100 corresponds to a request procedure." (Par. 131 lines 7-14)); **associating at least one portion of the search listing with the keywords and the predetermined search listing display methods, to maintain a database including a plurality of search listings** (i.e., "For example, when information desired by a user is transmitted to the server 21, the server 21 searches the management data in the bid management DB 23 for pertinent information, and immediately collects the information when the information is not urgently required so that a collection time is allowed to some extent." (Par. 370 lines 1-6)... The list XC1 indicates a priority number, a code number, and a numerical value (length, height, area, volume, bulk, weight, amount and so on), price, conditions offered by a bidder (supplementary items (extra) and so on)." (Par. 371 lines 14-18)); **receiving a search request from a searcher** (i.e., "a bid procedure in which said server receives bid information including said element or said converted information offered by bidders from terminals of the bidders through communications via the network" (Par. 18)); **identifying search listings associated with keywords corresponding to the search request** (i.e., "More specifically, upon receipt of data of new bids, the control unit 42 reads time condition data (here conditions for the time slide scheme) from the time bid data storage unit 45A. in the article management database 23, and also reads all bid

data associated with an article code number involved in this auction from the bid management database 24."Par. 137 lines 7-12)); and arranging said at least one portion of the search listings according to the predetermined search listing display methods when arranging the identified search listings (i.e., "However, if the time condition consists only of the period specified by the client, the priority list is created by arranging bidders in order from the one which was accepted first. In this event, all bidders are determined as successful bidders." (Par. 144 lines 17-21))

Goino does not explicitly disclose for the generation of search result listing. However, Singh et al. teach a method, **generating the search result list including the arranged at least one portion of the search listings** (i.e., "In this on-line marketplace, companies selling products, services, or information bid in an open auction environment for positions on a search result list generated by an Internet search engine. Since advertisers must pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings." (See Singh et al. Par. 15)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Goino to have the generation of search result listing.

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This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Goino and Boyd et al. before him/her, to modify the method of Goino to include the generation of search result listing of Boyd et al., since it is suggested by Singh et al. such that, this advertising would facilitate publicly displaying the bidding price listing which make it easier for customer (*i.e.*, "The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing." (See Singh et al. Par. 15)).

As per claim 2:

Goino as modified teaches a method, **wherein the predetermined search listing display methods are specified by a form of display and ranking of the search listings** (*i.e.*, "For example, the server 21 lists information offered by bidders as it is, or creates a priority list by narrowing down successful bidder candidates at higher ranks, for example, to a limited number of bidders specified by the client based on the information offered by the bidders, and transmits the list to the terminal 30A of the client. Accordingly, a list screen XA as illustrated in FIG. 14 is displayed on the terminal 30A of the client." (See Goino Par. 151 lines 3-9)).

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As per claim 3:

Goino as modified teaches a method, **wherein said at least one portion of the search listings is randomly arranged in a placement zone specified by the search listing display method when arranging said at least one portion of the search listings** (*i.e.*, "On the other hand, if it is determined in S2060 that the bid collection "no" is specified, bid information is collected in S2100. Specifically, the bid registration data D19 or the bid information data D20 previously managed as databases in the DBs 145, 147 are searched to extract previously registered articles or services pertinent to the specified article or service." (See Goino Par. 504)).

As per claim 4:

Goino as modified teaches a method, **wherein predetermined keywords are sold during only a predetermined period of time through the tender** (*i.e.*, "FIG. 1 illustrates a time auction system for sellers and buyers to conduct auctions for articles through a network. In this example, an auction is held in which an article is bid for with time as an element." (See Goino Par. 101 lines 3-6)).

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As per claim 5:

Goino as modified teaches a method, **wherein the step of selling the keywords through the tender is individually performed for each of said at least one portion of the search listings** (i.e., "As a trade is established, a client and a successful bidder proceed with payment for an article and delivery of the article. The entry fields S2, S3 are fields for setting a specific request from the client on a trading date offered by a successful bidder in the payment or the delivery of the article. The entry field S2 for "payment" is available when a client is a seller, while the entry field S3 for "article delivery" is available when a client is a buyer." (See Goino Par. 117)).

As per claim 6:

Goino as modified teaches a method, **wherein remaining search listings except said at least one portion of the search listings are arranged independent of the predetermined search listing display method** (i.e., "On the other hand, if it is determined in Step S712 that the bid-off self selection is set, the list screen XB illustrated in FIG. 29 is displayed in S714 for enumerating bid information of a predetermined number of bidders in a list form. The user can view the list screen XB by selecting a screen display after entering a password on the

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screen of the terminal 30. The list screen XB enumerates candidates in a priority order in terms of the position (displayed as the code number), so that the user can determine a trading partner while referencing other information offered by the bidders." (See Goino Par. 266 lines 1-11)).

As per claim 31:

Goino as modified teaches a computer-readable recording medium in which **a program for implementing a method according to claims 1 in a computer is recorded** (*i.e.*, "After entering these required items, the customer selects a transmission button 93 to transmit the customer information data to the server 21 through the Internet N as bid request information. The server 21 launches an auction program based on the customer information and widely promotes taxi companies to participate in the position auction through the personal computers 72." (See Goino Par. 173)).

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goino United States Patent Publication No. 2001/0056396A1 in view of Singh et al. United States Patent Publication No. 2002/0165849 A1 further in view of Boyd et al. United States Patent Publication No. 2004/0193489 A1.

As per claim 7:

Goino as modified does not explicitly disclose for the keywords sold through the tender are premium keywords determined by a predetermined criterion. However, Boyd et al teach a method, **wherein the keywords sold through the tender are premium keywords determined by a predetermined criterion** (*i.e.*, "Alternatively, the merchandise is sold at the highest bid price when the time period for the auction expires." (See Boyd et al. Par. 236 lines 5-7)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in combination of Goino and Singh et al. to have the keywords sold through the tender are premium keywords determined by a predetermined criterion. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of combination of Goino and Singh et al. and Boyd et al. before him/her, to modify the method of combination of Goino and Singh et al: to include the keywords sold through the tender are premium keywords determined by a predetermined criterion of Boyd et al., since it is suggested by Boyd et al. such that, the highest bidder will win the contest if the auction's time expires and make it easier not to rerun auction again (*i.e.*, "Thus, if the seller wants to sell a particular item when the bid price reaches \$500, the first bidder to bid \$500 (or more) will be awarded the item regardless of whether another bidder may outbid this bidder. On the other hand, if none of the bids reaches the magic \$500 threshold, the highest

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bidder after the auction time period expires will win the contest." (See Boyd et al. Par. 236 lines 9-15)).

As per claim 8:

Goino as modified does not explicitly disclose for the tender conditions selectively further include information on network information providers. However, Boyd et al teach a method, **wherein the tender conditions selectively further include information on network information providers or a predetermined display period of time** (*i.e.*, "Auction termination conditions are discussed in greater detail below and include such conditions as expiration of a predetermined time period for the auction (*e.g.*, 72 hours) and premature closing due to inactivity within any specified time period." (See Boyd et al. Par. 238 lines 7-11))).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in combination of Goino and Singh et al. to have the tender conditions selectively further include information on network information providers. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of combination of Goino and Singh et al. and Boyd et al. before him/her, to modify the method of combination of Goino and Singh et al. to include the tender conditions selectively further include information on network information providers of Boyd et al., since it is suggested by Boyd et al. such that, the highest bidder will win the contest if the auction's time expires and make it easier not to rerun auction again (*i.e.*,

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"Thus, if the seller wants to sell a particular item when the bid price reaches \$500, the first bidder to bid \$500 (or more) will be awarded the item regardless of whether another bidder may outbid this bidder. On the other hand, if none of the bids reaches the magic \$500 threshold, the highest bidder after the auction time period expires will win the contest." (See Boyd et al. Par. 236 lines 9-15)).

9. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. United States Patent Publication No.2002/0165849 A1 in view of Boyd et al. United States Patent Publication No. 2004/0193489 A1.

As per claim 16:

Singh et al. do not explicitly disclose for the reselling the keywords includes one of a first-come first-served system, a re-tender system and a next order bidding price selection system. However, Boyd et al teach a method, **further comprising the step of reselling keywords if the successful bid is regarded as an unsuccessful bid, wherein the step of reselling the keywords includes one of a first-come first-served system, a re-tender system and a next order bidding price selection system** (*i.e., "Thus, if the seller wants to sell a particular item when the bid price reaches \$500, the first bidder to bid \$500 (or more) will be awarded the item regardless of whether another bidder may outbid this bidder. On*

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the other hand, if none of the bids reaches the magic \$500 threshold, the highest bidder after the auction time period expires will win the contest."(See Boyd et al. Par. 236 lines 9-15)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Singh et al. to have the keywords includes one of a first-come first-served system, a re-tender system and a next order bidding price selection system. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Singh et al. and Boyd et al. before him/her, to modify the method of Singh et al. to include the keywords includes one of a first-come first-served system, a re-tender system and a next order bidding price selection system of Boyd et al., since it is suggested by Boyd et al. such that, the highest bidder will win the contest if the auction's time expires and make it easier not to rerun auction again (*i.e.*, "Thus, if the seller wants to sell a particular item when the bid price reaches \$500, the first bidder to bid \$500 (or more) will be awarded the item regardless of whether another bidder may outbid this bidder. On the other hand, if none of the bids reaches the magic \$500 threshold, the highest bidder after the auction time period expires will win the contest." (See Boyd et al. Par. 236 lines 9-15))

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As per claim 20:

Singh et al. do not explicitly disclose for the reselling the highest bidding price or the bidding price list is not opened during a predetermined period of time before a tender period of time expires. However, Boyd et al teach a method, **wherein the highest bidding price or the bidding price list is not opened during a predetermined period of time before a tender period of time expires** (i.e., *"Alternatively, the merchandise is sold at the highest bid price when the time period for the auction expires."* (See Boyd et al. Par. 236 lines 5-7)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Singh et al. to have the highest bidding price or the bidding price list is not opened during a predetermined period of time before a tender period of time expires. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Singh et al. and Boyd et al. before him/her, to modify the method of Singh et al. to include the highest bidding price or the bidding price list is not opened during a predetermined period of time before a tender period of time expires of Boyd et al., since it is suggested by Boyd et al. such that, the highest bidder will win the contest if the auction's time expires and make it easier not to rerun auction again (i.e., *"Thus, if the seller wants to sell a particular item when the bid price reaches \$500, the first bidder to bid \$500 (or more) will be awarded the item regardless of whether another bidder may outbid this bidder. On the other hand, if none of the bids reaches the magic \$500 threshold, the highest bidder*

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after the auction time period expires will win the contest."

(See Boyd et al. Par. 236 lines 9-15)).

10. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. United States Patent Publication No.2002/0165849 A1 in view of Harrison, JR. et al. United States Patent Publication No. 2001/0039524 A1.

As per claim 24:

Singh et al. do not explicitly disclose for the reselling the step of maintaining search listings including URLs associated with network information providers and image files associated with the network information providers. However, Harrison, JR. et al. teach a method, **wherein the step of maintaining the plurality of search listings includes the step of maintaining search listings including URLs associated with network information providers and image files associated with the network information providers (i.e.,**

"Automatic means of adding an electronic image and accompanying text to an Internet auction listing or other World Wide Web page is also known. For example, the company known as Honesty.com enables Internet auction sellers to visit the Honesty.com Web site, enter an auction site name, auction number, email address and password, and then have the Honesty.com logo and a unique "hit counter" added to the given auction listing automatically."
(See Harrison, JR. et al. Par 14)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Singh et al. to have the step of maintaining search listings including URLs associated with network information providers and image files associated with the network information providers. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Singh et al. and Harrison, JR. et al. before him/her, to modify the method of Singh et al. to include the step of maintaining search listings including URLs associated with network information providers and image files associated with the network information providers of Harrison, JR. et al., since it is suggested by Harrison, JR. et al. such that, an automated computer network-based will provide a method which the internet sellers can easily perform their sell/buy transaction (*i.e.*, "The disclosed invention provides an automated, computer-implemented, network-based method by which Internet sellers can obtain either a performance bond or a guaranty in real time and immediately deploy a unique seal evidencing this contractual protection for buyers." (See Harrison, JR. et al. Par. 17 lines 1-5)).

As per claim 25:

Singh et al. do not explicitly disclose for the reselling the search listings arranged in the predetermined search listing placement position is arranged with the image files included. However, Harrison, JR. et al. teach a method, **wherein at least one portion of the search listings arranged in the predetermined search listing placement position is arranged with**

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the image files included (*i.e.*, "The Regenerating Seal. A Web browser "reads" HTML documents so as to display images when a proper reference to particular digital image, stored on a connected server, is made. The typical HTML code appears in a form similar to this: `;`" (See Harrison, JR. et al. Par. 151)).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Singh et al. to have the search listings arranged in the predetermined search listing placement position is arranged with the image files included. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Singh et al. and Harrison, JR. et al. before him/her, to modify the method of Singh et al. to include the search listings arranged in the predetermined search listing placement position is arranged with the image files included of Harrison, JR. et al., since it is suggested by Harrison, JR. et al. such that, an automated computer network-based will provide a method which the internet sellers can easily perform their sell/buy transaction (*i.e.*, "The disclosed invention provides an automated, computer-implemented, network-based method by which Internet sellers can obtain either a performance bond or a guaranty in real time and immediately deploy a unique seal evidencing this contractual protection for buyers." (See Harrison, JR. et al. Par. 17 lines 1-5)).

Response to Remark

11. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fariborz Khoshnoodi whose telephone number is 571-270-1005. The examiner can normally be reached on M-Th every other F 8:00-4:00..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Fariborz Khoshnoodi
Examiner
Art Unit 2168

FK

[Handwritten signature]
9/13/07

[Handwritten signature]

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100